

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT KNOXVILLE

NOVEMBER 1995 SESSION

FILED

January 4, 1996

Cecil Crowson, Jr.

Appellate Court Clerk

LEE ROY WILLIAMS,

Appellant,

VS.

STATE OF TENNESSEE,

Appellee.

* C.C.A. # O3C01-9507-CR-00207

* KNOX COUNTY

* Hon. Richard R. Baumgartner, Judge

* (Post-Conviction)

*

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OPINION FILED: _____

AFFIRMED

GARY R. WADE, JUDGE

OPINION

The petitioner, Lee Roy Williams, appeals as of right from the summary dismissal of his petition for post-conviction relief. The trial court ruled that the action was barred by the three-year statute of limitations. The only question on appeal is whether the petitioner was improperly denied an evidentiary hearing.

We affirm the judgment of the trial court.

The petitioner was convicted in 1988 of being an habitual drug offender. The conviction was affirmed by this court and the Tennessee Supreme Court denied permission to appeal on January 3, 1990. This petition, at least the second attempt at post-conviction relief by the petitioner, was filed on August 15, 1994.

Tenn. Code Ann. § 40-30-102 provides that post-conviction claims be filed within three years of the time the conviction became final. The petitioner failed to do so here. Moreover, the petitioner failed to allege any reason for the untimely petition. See Burford v. State, 845 S.W.2d 204 (Tenn. 1992). Accordingly, the judgment of the trial court is affirmed.

Gary R. Wade, Judge

CONCUR:

Joseph M. Tipton, Judge

John K. Byers, Senior Judge